

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BRIAN GARRETT, ET AL,	)	
	)	
PLAINTIFFS,	)	CASE NO. 2:18-cv-692
	)	
vs.	)	
	)	
THE OHIO STATE UNIVERSITY,	)	
	)	
DEFENDANT.	)	
_____	)	
	)	
STEVE SNYDER-HILL, ET AL,	)	
	)	
PLAINTIFFS,	)	CASE NO. 2:18-cv-736
	)	
vs.	)	
	)	
THE OHIO STATE UNIVERSITY,	)	
	)	
DEFENDANT.	)	
_____	)	
	)	
NICHOLAS NUTTER, ET AL,	)	
	)	
PLAINTIFFS,	)	CASE NO. 2:19-cv-2462
	)	
vs.	)	
	)	
THE OHIO STATE UNIVERSITY,	)	
	)	
DEFENDANT.	)	
_____	)	

LAHANA DUFOUR, RMR, CRR  
FEDERAL OFFICIAL COURT REPORTER  
85 MARCONI BOULEVARD, ROOM 121  
COLUMBUS, OHIO 43215  
614-719-3286

ROCKY RATLIFF, )  
)  
PLAINTIFF, ) CASE NO. 2:19-cv-4746  
)  
vs. )  
)  
THE OHIO STATE UNIVERSITY, )  
)  
DEFENDANT. )  
\_\_\_\_\_ )

IN RE: SUBPOENA TO )  
PERKINS COIE LLP, IN THE )  
MATTER OF STEVE )  
SNYDER-HILL, ET AL. VS. )  
THE OHIO STATE UNIVERSITY, )  
)  
) CASE NO. 2:19-mc-38  
\_\_\_\_\_ )

JOHNS DOES 151-166, )  
)  
PLAINTIFFS, ) CASE NO. 2:20-cv-3817  
)  
vs. )  
)  
THE OHIO STATE UNIVERSITY, )  
)  
DEFENDANT. )  
\_\_\_\_\_ )

ALONZO SHAVERS, ET AL, )  
)  
PLAINTIFFS, ) CASE NO. 2:21-cv-2120  
)  
vs. )  
)  
THE OHIO STATE UNIVERSITY, )  
)  
DEFENDANT. )  
\_\_\_\_\_ )



TIMOTHY MOXLEY, ET AL, )  
 )  
PLAINTIFFS, ) CASE NO. 2:21-cv-3838  
 )  
vs. )  
 )  
THE OHIO STATE UNIVERSITY, )  
 )  
DEFENDANT. )  
 )

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JOHN DOE, )  
 )  
PLAINTIFF, ) CASE NO. 2:21-cv-4254  
 )  
vs. )  
 )  
THE OHIO STATE UNIVERSITY, )  
 )  
DEFENDANT. )  
 )

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JOHN DOES 218-223, )  
 )  
PLAINTIFFS, ) CASE NO. 2:21-cv-4340  
 )  
vs. )  
 )  
THE OHIO STATE UNIVERSITY, )  
 )  
DEFENDANT. )  
 )

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TRANSCRIPT OF TELEPHONIC STATUS CONFERENCE PROCEEDINGS  
BEFORE THE HONORABLE MICHAEL H. WATSON  
THURSDAY, SEPTEMBER 9, 2021; 3:00 P.M.  
COLUMBUS, OHIO

- - -

Proceedings recorded by mechanical stenography, transcript  
produced by computer.

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Thursday Afternoon Session<sup>7</sup>

September 9, 2021

- - -

THE COURT: Good afternoon. This is Judge Watson.  
I'd like you to enter your appearances for the record.

MR. SMITH: Scott Smith for the plaintiff Steve  
Snyder-Hill.

MS. MCNELLIE: Elizabeth McNellie for Perkins Coie,  
LLC.

MS. TROMBINO: Caryn Trombino for Perkins Coie.

MR. RATLIFF: Attorney Rocky Ratliff, Your Honor, for  
the matter in Canales cases.

MR. SCHULTE: Your Honor, Richard Schulte on behalf of  
various Plaintiffs.

MS. LARSON: Bates Larson on behalf of nonparty  
Perkins Coie, LLC.

MR. MULVIHILL: Dennis Mulvihill on behalf of various  
Plaintiffs.

MS. BRODSKY: Alexandra Brodsky on behalf of  
Snyder-Hill Plaintiffs.

MS. KIMMEL: Adele Kimmel on behalf of the Snyder-Hill  
Plaintiffs.

MR. ALLARD: Robert Allard on behalf of the Garrett  
Plaintiffs.

MR. KARON: Dan Karon on behalf of the Garrett

1 Plaintiffs, too.

2 MR. MAAZEL: Ilann Maazel on behalf of the Snyder-Hill  
3 Plaintiffs.

4 MS. GREENBERGER: Debra Greenberger for the  
5 Snyder-Hill Plaintiffs.

6 MS. LAMONICA: Regina LaMonica on behalf of nonparty  
7 Perkins Coie.

8 MR. ESTEY: Steve Estey on behalf of the Garrett  
9 Plaintiffs.

10 MS. VOURLIS: Simina Vourlis on behalf of the Garrett  
11 Plaintiffs.

12 MS. BRADSHAW: Sarah Bradshaw on behalf of the Garrett  
13 Plaintiffs.

14 MR. SHARP: Rex Sharp for the Garrett Plaintiffs.

15 MR. CAMILLUS: John Camillus on behalf of John Doe  
16 Plaintiffs.

17 MR. CARPENTER: Your Honor, this is Mike Carpenter on  
18 behalf of Ohio State University, Defendant.

19 THE COURT: Thank you all for joining the conference  
20 on short notice. A question has been directed to the Court's  
21 public information specialist by NBC News Digital. Because the  
22 question concerns my impartiality, I wanted to reach out to you  
23 all first because ethical considerations are the utmost  
24 importance to me personally, to the parties and to the public,  
25 as well as the federal judiciary as a whole.



1           The plaintiffs in this case have unquestionably been  
2       abused and taken advantage of by Dr. Strauss. But I want to  
3       ensure that all parties feel heard by the Court. As you know,  
4       I disclosed to all of you at a hearing on January 17, 2019, the  
5       fact that I serve as an adjunct professor in the spring for the  
6       Moritz College of Law. No party requested my recusal from the  
7       case based on that relationship.

8           Although I don't believe disclosure is required by  
9       either the Code of Conduct for United States Judges or the  
10      advisory opinions issued by the Committee on Codes of Conduct  
11      interpreting the code, the aforementioned question asked  
12      whether I had disclosed the fact that my wife owns a flag  
13      business that sells Ohio State licensed products. My wife  
14      bought the business in 2017 from her mother who founded it in  
15      1979.

16          The question has prompted me to look through prior  
17      transcripts to determine whether or not I had disclosed this  
18      fact to you as well. After a review of the transcripts, it  
19      appears that I have not and/or at least didn't do it on the  
20      record.

21          Importantly, the reporter who submitted the question was  
22      under the belief that my wife's business has a lucrative  
23      contract with Ohio State and I want to point out that my wife  
24      is a licensee through OSU trademark and licensing and the  
25      contract is a license agreement. To be clear, the licensing

10  
1 agreement merely permits her business to manufacture and sell  
2 to the public OSU authorized trademark merchandise and her  
3 small business pays a 12 percent royalty to the university for  
4 each authorized Ohio State trademark product that the business  
5 manufactures and/or sells.

6 Neither my wife nor I have a financial interest in the  
7 Ohio State University as defined by the Code of Conduct for  
8 United States Judges or as described in the advisory ethics  
9 opinions interpreting the code. Therefore, my wife's business  
10 dealings with the university do not ethically mandate my  
11 recusal from cases involving the university. Nonetheless, the  
12 fact that a member of the public has inquired about it leads me  
13 to believe that Canon 3 of the Code of Ethics, the appearance  
14 of impropriety may be implicated.

15 Therefore, I feel the best course of action is to  
16 formally disclose this publicly available fact on the record,  
17 allow you to confer with your clients outside my presence and  
18 give you each an opportunity to request my recusal if you  
19 find -- if you feel that my impartiality is compromised.  
20 Regardless of your decision, please file a joint notice on the  
21 docket within ten days of today's date notifying the Court  
22 whether any Plaintiff or Defendant requests my recusal.

23 In the meantime, I want to schedule an oral argument on  
24 the statute of limitations issue. I'll hold that oral argument  
25 in person on September 21st at noon. My intent is to give

11  
1 Plaintiffs collectively one and a half hours of argument. I  
2 don't care how the plaintiffs split that hour and a half  
3 between the groups of Plaintiff attorneys but any attorney  
4 group representing Plaintiffs in any case before me who wishes  
5 to be heard orally on the statute of limitations issue, this is  
6 your chance.

7 I don't want to hear the different Plaintiff attorneys  
8 repeating the same arguments throughout the course of that  
9 time. Figure out who wants to be heard and, between those  
10 attorneys, figure out how you want to divide your time and who  
11 will make which arguments. Ohio State's counsel will have an  
12 hour and a half to respond if they need it and Plaintiffs may  
13 reserve time for rebuttal. I urge Plaintiffs to determine in  
14 advance which attorney will argue in rebuttal.

15 Does anyone have any questions of me before I leave you  
16 to confer with your clients?

17 Today is the 9th. Let's just say -- the 19th is Sunday.  
18 File a joint notice on Sunday, the 19th, letting me know how  
19 you want to deal with what I've disclosed.

20 MR. SCHULTE: Your Honor, this is Rich Schulte, if I  
21 could ask one question.

22 THE COURT: Yes, sir.

23 MR. SCHULTE: The joint statement, I assume they're  
24 all Plaintiffs counsel and defense counsel agreeing upon a  
25 joint statement.

1 THE COURT: Yes. That's my intention.

2 MR. SCHULTE: Thank you, Your Honor.

3 THE COURT: Thank you for clarifying.

4 MR. MULVIHILL: Your Honor, Dennis Mulvihill.

5 I have one question I'd like clarified. If the parties  
6 are not in agreement on your potential recusal, how would you  
7 like us to handle the filing?

8 THE COURT: If you can't agree, then submit separate  
9 statements, I suppose, by the same date.

10 MR. MULVIHILL: Thank you.

11 THE COURT: Any other questions? Thank you for your  
12 time. That will be all.

13 (Proceedings concluded at 3:07 p.m.)

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C E R T I F I C A T E

I, Lahana DuFour, do hereby certify that the foregoing is a true and correct transcript of the proceedings before the Honorable Michael H. Watson, Judge, in the United States District Court, Southern District of Ohio, Eastern Division, on the date indicated, reported by me in shorthand and transcribed by me or under my supervision.

s/Lahana DuFour  
Lahana DuFour, RMR, CRR  
Official Federal Court Reporter  
September 10, 2021